RECORD AND BRIEFS

No. 16-466

Supreme Court, U.S.
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In The
Supreme Court of the United States

BRISTOL-MYERS SQUIBB COMPANY,

Petitioner,

v.

SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF SAN FRANCISCO, et al.,

Respondents.

On Writ Of Certiorari To The California Supreme Court

BRIEF OF *AMICUS CURIAE* PRODUCT LIABILITY ADVISORY COUNCIL, INC. IN SUPPORT OF PETITIONER BRISTOL-MYERS SQUIBB COMPANY

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INTEREST OF THE *AMICUS CURIAE*[1]

The Product Liability Advisory Council, Inc. (PLAC) is a nonprofit association with 94 corporate members representing a broad cross section of American and international product manufacturers. These companies seek to contribute to the improvement and reform of law in the United States and elsewhere, with emphasis on the law governing the liability of product manufacturers. PLAC's perspective is derived from the experiences of a corporate voting membership that spans a diverse group of industries in various facets of the manufacturing sector. (See e.g., the list of PLAC's corporate members attached hereto as Appendix "A"). In addition, several hundred of the leading product liability defense attorneys in the country are sustaining (non-voting) members of PLAC. Since 1983, PLAC has filed over 1,100 briefs as *amicus curiae* in both state and federal courts, including this Court, presenting the broad perspective of product manufacturers seeking fairness and balance in the application and development of the law as it affects product liability.

This case provides an opportunity for the Court to articulate clear limits on the assertion of personal jurisdiction over nonresident manufacturers in cases

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[1] All parties have submitted to the Clerk letters granting blanket consent to the filing of *amicus* briefs. Pursuant to S. Ct. Rule 37.6, PLAC states that no counsel for a party wrote this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity, other than PLAC, its members, or its counsel, has made a monetary contribution toward preparation or submission of this Brief of *Amicus Curiae*.

where the claims of nonresident plaintiffs arise entirely outside the forum state. PLAC submits this brief in support of Petitioner Bristol-Myers Squibb Company ("BMS") because such assertions of personal jurisdiction over nonresident defendants unfairly prejudice manufacturers and do not bear the mantle of fair play and substantial justice which is the hallmark of the Due Process Clause.

SUMMARY OF ARGUMENT

Recognizing the due process limits on states' exercise of specific jurisdiction, this Court has required a connection between the location of a company's conduct and the place where it may be subject to suit arising out of that conduct. In the present case, the California Supreme Court did not require the nonresident plaintiffs' claims to have arisen out of BMS's activities within California; instead, the court found a sufficient level of connection because BMS's alleged conduct in California was similar to its alleged conduct in other places where the claims actually arose. For this reason, the California court's standard impermissibly severed the connection due process requires between the place of a company's conduct and place where it may be sued for that conduct.

Moreover, as also recognized by this Court, a defendant has a liberty interest under the Due Process Clause in being able to predict a relationship between its conduct and where it may be sued for that conduct.

Manufacturers of all sizes have a practical need for predictability in order to make informed decisions. By allowing personal jurisdiction to turn largely on the unilateral preferences of plaintiffs, rather than the location of defendants' conduct that is sued upon, the California Court's standard deprives defendants of the predictability required by due process.

The inevitable result of such a standard in many cases is forum-shopping by claimants and a corresponding clustering of suits in courts viewed as the most plaintiff-friendly. PLAC's members and other manufacturers increasingly face large numbers of lawsuits simultaneously pursued by hundreds of plaintiffs who choose to aggregate their cases in "magnet" jurisdictions with no meaningful connection to the events at issue.[2] The disproportionate clustering of such suits in the most plaintiff-friendly courts, which are typically far removed from the key evidence and witnesses, unfairly increases the expense, risks and burdens of litigation for the nonresident manufacturers. The resulting disproportionate liability and defense costs will in the first instance be harmful to the manufacturers, but will ultimately be borne by consumers in the form of higher product prices.

This Court has also recognized that since states are co-equal sovereigns, fundamental constitutional

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[2] As used herein, the term "magnet jurisdictions" refers to courts that attract a disproportionately large number of lawsuits against nonresident defendants filed by nonresident plaintiffs and involving claims arising in other states.

principles of federalism limit state courts' extraterritorial assertions of jurisdiction, and a jurisdictional assertion that exceeds a state's proper powers violates a nonresident defendant's due process rights. The standard applied by the California Supreme Court permits a state court to become the national arbiter of the rights of people residing, and affected by conduct in other states, thereby exceeding the proper territorial reach of the state's powers.

Finally, the California court's standard will be harmful to manufacturers, even of the small "mom and pop" variety. Under the court's analysis, a nonresident defendant's "nationwide marketing" of a product can be sufficient to allow the forum state to assert specific jurisdiction over product claims arising entirely in other states because the manufacturer also engages in similar conduct – i.e., the national advertising – in the forum. The reality today, however, is that almost all manufacturers, whether large or small, advertise their products on the internet, a practice that can be characterized as "nationwide marketing." Accordingly, the California court's standard would permit aggregation of claims related to virtually any product in the most plaintiff-friendly "magnet" jurisdictions, to the considerable prejudice of manufacturers, and ultimately consumers. And in response to this standard, courts outside the United States may elect to exercise reciprocal and retaliatory jurisdiction over claims against American companies that arise entirely in the United States, to the further detriment of manufacturers and their customers.

ARGUMENT

I. THE SIMILARITY STANDARD APPLIED BY THE CALIFORNIA SUPREME COURT VIOLATES DUE PROCESS

A. The Standard Impermissibly Severs the Connection Required by Due Process Between the Place of a Manufacturer's Conduct and Place Where It May Be Subject to Suit for That Conduct

Where, as here, all the conduct and occurrences giving rise to a plaintiff's claims against a manufacturer take place outside California, and the manufacturer is not at home in California, it logically follows that the manufacturer should not be forced to defend those claims in California. "[T]hose who live or operate primarily outside a State have a due process right not to be subjected to judgment in its courts as a general matter." *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 881 (2011).

A nonresident manufacturer's business activities in California should not subject it to litigation in that state for claims that do not arise out of that activity. Only when a company's contacts with a forum state are so extensive that it is essentially at home there, is it subject to the forum court's general jurisdiction over it for any and all claims. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). Such all-purpose jurisdiction may not be based on a company's general business activities within a state, even when those activities are "substantial, continuous, and

systematic." *Daimler AG v. Bauman*, 134 S. Ct. 746, 761 (2014). Instead, "only a limited set of affiliations with a forum" will render a defendant at home there. *Id.* at 760. "[T]he place of incorporation and principal place of business are 'paradig[m] . . . bases for general jurisdiction.'" *Id.*

If a defendant's substantial, continuous, and systematic activities within a state are not sufficient to confer general jurisdiction, it logically follows that, they are likewise insufficient for specific jurisdiction. See e.g., *Goodyear*, 564 U.S. at 927 ("A corporation's 'continuous activity of some sorts within a state,' *International Shoe* instructed, 'is not enough to support the demand that the corporation be amenable to suits unrelated to that activity'").[3]

As compared to general jurisdiction, specific jurisdiction is "a more limited form of submission to a State's authority" that applies when disputes with a nonresident defendant "'arise out of or are connected with' [the defendant's] 'activities within the state.'" *Nicastro*, 564 U.S. at 881 (*quoting International Shoe Co.*, 326 U.S. at 319). Although a defendant may, by its conduct, submit to the judicial power of an otherwise foreign sovereign for purposes of specific jurisdiction, it only does so "to the extent that power is exercised *in connection with the defendant's activities touching on*

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[3] *Int'l Shoe Co. v. State of Wash., Office of Unemployment Comp. & Placement*, 326 U.S. 310, 318 (1945).

the State." *Nicastro*, 564 U.S. at 881 (emphasis added).[4] Thus, whether a court may lawfully assert specific jurisdiction over a nonresident manufacturer turns on the connection between its conduct within a forum and the conduct giving rise to the lawsuit.

This case concerns the appropriate standard for determining when a nonresident defendant's forum activities are sufficiently connected to a plaintiff's claims for an assertion of specific jurisdiction. A test that requires a mere relationship between a manufacturer's in-forum conduct and its out-of-forum conduct provides little, if any, practical limitation to a court's assertion of personal jurisdiction over any manufacturer having some connections with the forum state. Since all company activities are in some sense related to each other, anything a company does outside a given state will always bear some relationship to its activities within a forum state, even if that relationship is attenuated and indirect. PLAC agrees with BMS that assertions of specific jurisdiction ought to be limited to instances where the defendant's in-forum conduct is also the alleged proximate cause of the plaintiff's alleged injury or loss.

In its decision below, the California Supreme Court did not require that a plaintiff's claim arise out of defendant's in-forum conduct. Instead, it found that a much less direct relationship between the alleged

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[4] In the criminal context, the Constitution requires that a defendant be subject to proceedings only in "the State and district wherein *the crime shall have been committed*." U.S. Const. Amend. VI (emphasis added).

injury and the defendant's in-forum conduct was sufficient. Although the court purported to require a "substantial connection" between the nonresident plaintiffs' claims and BMS's California activities, the actual relationship it required was one of mere similarity. See e.g., *Bristol-Myers Squibb Co. v. Superior Court*, 377 P.3d 874, 896 (2016) (Werdegar, J., dissenting) (noting that the majority's connection argument "rests on similarity of claims and joinder with California plaintiffs").[5]

As a result, a California court was permitted to assert specific jurisdiction over a nonresident defendant sued by hundreds of nonresident plaintiffs for injuries, and conduct, occurring outside California. Such an expansive assertion of jurisdiction is *not* "exercised in connection with the defendant's activities touching on the State," *Nicastro*, 564 U.S. at 881, and hence violates due process.

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[5] The majority below found that "'[a] claim need not arise directly from the defendant's forum contacts'" and that specific jurisdiction could be based "on a less direct connection between BMS's forum activities and plaintiffs' claims" such as its sale of Plavix to *other* persons in California. *Id.* at 885 and 889.

B. The Standard Deprives Manufacturers of the Predictability Required by Due Process and Permits Forum-Shopping to Aggregate Suits in Plaintiff-Favorable "Magnet" Jurisdictions

The Due Process Clause requires "a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980). "Indeed, the point of due process – of the law in general – is to allow citizens to order their behavior." *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 418 (2003). These due process limitations ensure that "the defendant's conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there." *World-Wide Volkswagen*, 444 U.S. at 297.

"Predictability is valuable to corporations making business and investment decisions." *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010). In order to make informed risk management decisions, companies have a practical need to be able to predict where their conduct will subject them to suit. A 2015 Survey of 1,203 in-house general counsel, attorneys and executives conducted for the United States Chamber of Commerce found that 75 percent of the respondents reported that a state's litigation environment is likely to affect important business decisions at their companies such as

where to locate or to do business. U.S. Chamber Institute for Legal Reform, *2015 Lawsuit Climate Survey: Ranking the States* (September 2015), p. 8, available at http://www.instituteforlegalreform.com/uploads/sites/1/Full_Report_Final_9.9.15.pdf (129 pages).

Moreover, it is not only large companies that need to make such decisions. A study conducted by Harris Interactive examined the effect of lawsuits on business decisions made by owners and managers of businesses with $10 million or less in annual revenues. Of the 1,109 respondents who were concerned about being the target of a frivolous or unfair lawsuit, 62 percent indicated that they make business decisions to avoid such lawsuits. U.S. Chamber Institute for Legal Reform, *Small Businesses: How the Threat of Lawsuits Impacts Their Operations* (May 10, 2007), p. 5, available at https://web.archive.org/web/20070721010704/http://www.instituteforlegalreform.com/issues/docload.cfm?docId=1045 (32 pages).

Although due process requires a predictable connection between what a company does and where it may be sued for that conduct, an expansive standard for specific jurisdiction, like that applied by the California Supreme Court, eliminates or pervasively dilutes the required connection so that manufacturers cannot "structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." *World-Wide*

Volkswagen, 444 U.S. at 297.[6] This unpredictability violates due process.

For example, manufacturers must make decisions about appropriately reserving for product-related liabilities through the purchase of insurance, or the establishment of financial reserves or other provisions for uninsured liabilities. They must also establish prices for their products that allow recoupment of associated costs as well as an appropriate return on investment. If a manufacturer knows that its product-related litigation will be distributed among the states roughly in proportion to sales, with perhaps a skewing to its home state to allow for general jurisdiction, it can establish and control insurance, reserves and pricing based on its own conduct. If, however, the locus of litigation is entirely unrelated to its conduct, and is instead essentially based on plaintiffs' counsel's unilateral predilections, the manufacturer can no longer order its conduct to limit where it may be sued for the conduct.[7] In the absence of predictability, the manufacturer may price too high or too low, leading to losses

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[6] The dissenting opinion below noted that the standard applied by the California Supreme Court "threatens to subject companies to the jurisdiction of California courts to an extent unpredictable from their business activities in California." *Bristol-Myers Squibb Co. v. Superior Court*, 377 P.3d 874, 896 (2016) (Werdegar, J., dissenting).

[7] Indeed, the California court's reliance on uniform national advertising to subject a manufacturer to suit for conduct and injuries occurring elsewhere affords manufacturers in the internet era no practical way to "structure their primary conduct . . . [so as not to] render them liable to suit," *World-Wide Volkswagen*, 444 U.S. at 297, except to forebear from selling their products at all.

that will harm its employees and shareholders, and potentially even to product discontinuation, to the detriment of consumers – in the pharmaceutical context, patients – for whom the product would be beneficial.

Relatedly, the California court's untethered standard permits the aggregation in "magnet" jurisdictions of voluminous claims where the only meaningful connection with the forum is the claimants' decision to take advantage of its plaintiff-friendly courts. The present case is illustrative, as it aggregates the claims of 575 nonresident plaintiffs from 32 other states whose claims arose entirely outside California, as compared with only 86 in-state plaintiffs' claims.[8]

The harm caused by the California court's due process violation is only exacerbated by the extra costs incurred both in defending cases away from where the relevant events took place, and from the significantly heightened defense and liability costs inherent in a plaintiff-friendly forum.

This Alice-in-Wonderland result cannot be what due process requires. See Section D infra.

[8] Many of these claims likely would not even have been filed but for the aggregated proceedings enabled by the California court's jurisdictional standard.

C. The Standard Violates Due Process by Allowing States to Regulate Beyond the Proper Reach of Their Sovereign Power Under Our Federal System

Where, as here, a state court asserts jurisdiction over a nonresident defendant sued by hundreds of nonresident plaintiffs on claims arising entirely from the defendant's conduct outside the forum state, the court exceeds the boundaries of its authority under fundamental principles of federalism. Since a state lacks the authority to govern beyond the reach of its territorial power, restrictions on the personal jurisdiction of state courts "are more than a guarantee of immunity from inconvenient or distant litigation[,] . . . [t]hey are a consequence of territorial limitations on the power of the respective States." *Hanson v. Denckla*, 357 U.S. 235, 251 (1958).

When an assertion of personal jurisdiction violates federalism principles, this overreaching also violates the nonresident defendant's liberty interests protected by the Due Process Clause.[9] The traditionally recognized limits on assertions of personal jurisdiction serve to "ensure that the States through their courts, do not reach out beyond the limits imposed on them by their status as coequal sovereigns in a federal

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[9] *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 879 (2011) ("The Due Process Clause protects an individual's right to be deprived of life, liberty, or property only by the exercise of lawful power [and] whether a judicial judgment is lawful depends on whether the sovereign has authority to render it.").

system." *World-Wide Volkswagen*, 444 U.S. at 291-292.[10] Thus "the Due Process Clause, acting as an instrument of interstate federalism, may sometimes act to divest the State of its power to render a valid judgment." *Id.* at 286.

Indeed, this Court has recognized that the constitutional limitations on a state court's jurisdiction are similar to the "limits on a State's power to enact substantive legislation." *Edgar v. MITE Corp.*, 457 U.S. 624, 643 (1982). In either case, "any attempt directly to assert extraterritorial jurisdiction over persons or property would offend sister States and exceed the inherent limits of the State's power." *Id.* (internal quotations omitted).

In addressing due process limitations on punitive damages awards, this Court has also recognized the territorial limits on states' ability to regulate a nonresident defendants' conduct in other states. See e.g., *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 421 (2003) ("Nor, as a general rule, does a State have a legitimate concern in imposing punitive damages to punish a defendant for unlawful acts committed outside of the State's jurisdiction"); *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 571-572 (1996) (no State may "impose its own policy choice on neighboring States" and "a State may not impose economic sanctions on violators of its

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[10] See also *id.* at 293 ("The sovereignty of each State . . . implie[s] a limitation on the sovereignty of all of its sister States – a limitation express or implicit in both the original scheme of the Constitution and the Fourteenth Amendment.").

laws with the intent of changing the tortfeasors' lawful conduct in other States.").

"A basic principle of federalism is that each State may make its own reasoned judgment about what conduct is permitted or proscribed within its borders, and each State alone can determine what measure of punishment, if any, to impose on a defendant who acts within its jurisdiction." *Campbell*, 538 U.S. *at* 422. Hence a state court exceeds its authority when it uses a civil case "as a platform to expose, and punish, the perceived deficiencies of [a defendant's] operations throughout the country." *Id.* at 420.

The aggregation of claims in plaintiff-friendly magnet jurisdictions, such as California, Missouri and Illinois, allows the courts in those states to regulate conduct occurring entirely in other states and involving citizens of other states. In effect, these magnet courts became national arbiters of claims involving whatever products plaintiffs choose to bring to their attention. "Nothing in *International Shoe* and its progeny suggests that 'a particular quantum of local activity' should give a State authority over a 'far larger quantum of . . . activity' having no connection to any in-state activity." *Daimler AG v. Bauman*, 134 S. Ct. 746, 762, n.20 (2014) (*quoting* Feder, *Goodyear, "Home," and the Uncertain Future of Doing Business Jurisdiction*, 63 S.C. L. Rev. 694 (2012)).

The magnet courts' assertion of jurisdiction over claims based on conduct in other states exceeds the

forum state's territorial powers under our federal system, deprives the properly interested states of their power to govern conduct within their borders, and thus violates the nonresident defendant's due process rights.

D. The Standard Would Subject Even Small Manufacturers to Burdensome Suits in Distant Jurisdictions

In finding that BMS's in-state conduct had a "substantial connection" to its out-of-state conduct that formed the basis of the nonresidents' claims, the California Supreme Court attached great significance to what it described as BMS's "nationwide marketing" of Plavix. *Bristol-Myers Squibb Co. v. Superior Court*, 377 P.3d 874, 888 (2016).

The reality is that virtually all manufacturers today, both large and even of the "mom and pop" variety, advertise their products on the internet, typically through a company or product-specific website as well as through social media such as Facebook and Twitter. Since the internet is a medium that allows postings to be seen around the world, such advertising can readily be characterized as "nationwide marketing." See *Nicastro*, 564 U.S. at 890 (Breyer, J., and Alito, J., concurring) (noting that "a company targets the world by selling from its Web site"). Thus, when it comes to product-related claims, a standard like the one applied by the California court could dramatically expand the

reach of state courts' jurisdiction, making every manufacturer subject to suit for *all* sales of a particular product in every state where the manufacturer has sold *some* of that product.

It is no answer to say that a manufacturer can choose not to market on the internet. Internet advertising is so prevalent in today's marketplace, that many manufacturers of consumer goods would risk going out of business if they could not advertise on the internet. In exercising the liberty protected under the Due Process Clause, a company ought to have the freedom to stay in business while limiting the places where it will and will not be subject to suit.[11]

Several civil law countries, such as Belgium, Italy, Austria and Portugal, have enacted "retaliatory" jurisdictional provisions that empower their courts to exercise jurisdiction over foreign persons up to the extent that courts in the foreigner's home country can assert jurisdiction. See Born, *Reflections on Judicial Jurisdiction in International Cases*, 17 Ga. J. Int'l & Comp. L. 1, 15 (1987). Thus, the California Supreme Court's expansive standard for specific jurisdiction could also

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[11] In another context, in *Mutual Pharm. Co. v. Bartlett*, this Court found that, since it was impossible for a manufacturer to comply with both federal regulations and inconsistent state regulations, the state regulations were preempted under the Supremacy Clause. 133 S. Ct. 2466, 2473 (2013). In so holding, the Court rejected the argument that plaintiff could comply with both the state and federal regulations by not selling the product at all. *Id.* at 2477-2478.

subject manufacturers, both large and small, to the unfair burdens of such reciprocal or retaliatory assertions of personal jurisdiction in foreign courts in connection with claims arising entirely out of conduct in the United States. See e.g., *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659, 1669 (2013) (finding that Nigerian nationals could not sue foreign companies in the United States for violations of the law of nations committed in Nigeria and noting that allowing such suits "would imply that other nations, also applying the law of nations, could hale our citizens into their courts for alleged violations of the law of nations occurring in the United States, or anywhere else in the world").

This Court should not find a personal jurisdiction standard that would permit or encourage such unfair burdens on defendants to be consistent with the Due Process Clause.

CONCLUSION

For all of the foregoing reasons, PLAC urges the Court to overturn the ruling below and articulate a clear and predictable standard for specific jurisdiction,

which requires that a nonresident plaintiff's claims arise out of the nonresident defendant's activities in the forum state.

Respectfully submitted,

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APPENDIX A

Corporate Members of the Product Liability Advisory Council
as of 2/6/2017

Total: 91

3M

Altec, Inc.

Altria Client Services LLC

Astec Industries

Bayer Corporation

BIC Corporation

Biro Manufacturing Company, Inc.

BMW of North America, LLC

The Boeing Company

Bombardier Recreational Products, Inc.

Boston Scientific Corporation

Bridgestone Americas, Inc.

Bristol-Myers Squibb Company

C. R. Bard, Inc.

Caterpillar Inc.

CC Industries, Inc.

Celgene Corporation

Chevron Corporation

Cirrus Design Corporation

Continental Tire the Americas LLC

Cooper Tire & Rubber Company

Cordis Corporation

Crane Co.

Crown Equipment Corporation

Daimler Trucks North America LLC

Deere & Company

Delphi Automotive Systems

The Dow Chemical Company

E.I. duPont de Nemours and Company

Emerson Electric Co.

Exxon Mobil Corporation

FCA US LLC

Ford Motor Company

Fresenius Kabi USA, LLC

General Motors LLC

Georgia-Pacific LLC

GlaxoSmithKline

The Goodyear Tire & Rubber Company

Great Dane Limited Partnership

Hankook Tire America Corp.

Harley-Davidson Motor Company

The Home Depot

Honda North America, Inc.

Hyundai Motor America

Illinois Tool Works Inc.

Intuitive Surgical, Inc.

Isuzu North America Corporation

Jaguar Land Rover North America, LLC

Jarden Corporation

Johnson & Johnson

Kawasaki Motors Corp., U.S.A.

Kia Motors America, Inc.

Kolcraft Enterprises, Inc.

Lincoln Electric Company

Magna International Inc.

Mazak Corporation

Mazda Motor of America, Inc.

Medtronic, Inc.

Merck & Co., Inc.

Meritor WABCO

Michelin North America, Inc.

Microsoft Corporation

Mitsubishi Motors North America, Inc.

Mueller Water Products

Novartis Pharmaceuticals Corporation

Novo Nordisk, Inc.

Pella Corporation

Pfizer Inc.

Polaris Industries, Inc.

Porsche Cars North America, Inc.

RJ Reynolds Tobacco Company

Robert Bosch LLC

The Sherwin-Williams Company

Sony Electronics Inc.

Stryker Corporation

Subaru of America, Inc.

Takeda Pharmaceuticals U.S.A., Inc.

TAMKO Building Products, Inc.

Teleflex Incorporated

Toyota Motor Sales, USA, Inc.

Trinity Industries, Inc.

U-Haul International

The Viking Corporation

Volkswagen Group of America, Inc.

Volvo Cars of North America, Inc.

Wal-Mart Stores, Inc.

Western Digital Corporation

Whirlpool Corporation

Yamaha Motor Corporation, U.S.A.

Yokohama Tire Corporation

ZF TRW